

DETAILED ACTION

Remarks

1. The previous office action, dated 11/17/2008, did not specifically note the rejection of claim 12. The previous action should be disregarded in view of the present office action.

Election/Restrictions

2. Claims 4 and 5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/2/2008. Examiner notes that claims 2, 3 and 6-12 have been examined in this action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshihide et al. (JP 2000219049). Yoshihide discloses:
a fuel tank mounting structure with a plurality of fuel tanks mounted in parallel (Fig. 5) where the fuel can be used from an outer side fuel tank (Fig. 3);

a fuel tank guiding means (**48, 66**) which guides the tanks downward in a vertical direction (the tanks will fall downward if the guiding means falls down);
movement preventing means (**26H, J**) preventing upward movement of the tanks, which have inclined portions (Fig. 5, at opposing ends of the movement preventing means);
a weak portion (about **98**, will fail if a certain force is provided);
left and right rockers (**26E, F**);
a falling out preventing means (**94**) which is part of the sub frame prevents the tanks from completely falling out, wherein the sub frame includes two cross rails (**27**) extending in a transverse direction of the vehicle.
Tank (**16**) is upwardly offset from its adjacent tank (**14**).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihide in view of Cook (US 3,559,708). Yoshihide discloses a fuel tank mounting structure as discussed above, but does not directly disclose a cut out formed portion. Cook discloses a tank guiding means with a cut out formed portion (**14**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Yoshihide as taught by Cook in order to provide a portion that is not fixed in

position by a tool that would break away when the tank area experiences sufficient impact.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Williams whose telephone number is (571) 272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Application/Control Number: 10/575,077
Art Unit: 3611

Page 5

Art Unit 3611

MLW
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